

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 33740

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY—PETITION
FOR DECLARATION OR PRESCRIPTION OF CROSSING, TRACKAGE, OR JOINT USE
RIGHTS

Decided: August 13, 2003

By a decision served on May 13, 2003, the Board, *inter alia*, declared that The Burlington Northern and Santa Fe Railway Company (BNSF) is entitled under 49 U.S.C. 10901(d) to cross track owned and operated by the Keokuk Junction Railway Company (KJRY) near Keokuk, IA, in order to access BNSF's Mooar Line. The decision also directed the parties to immediately begin negotiations on a new crossing agreement and stated that, if the parties were unable to agree on compensation or other crossing terms within 30 days of the decision's effective date, the dispute should be submitted to the Board for a determination of terms under 49 U.S.C. 10901(d)(2). The decision became effective on June 12, 2003. By a decision served on July 21, 2003, the parties' joint request for an extension until August 13, 2003, to continue negotiations was granted.

On August 11, 2003, BNSF filed a letter requesting a further extension of time until September 12, 2003, to continue negotiations. BNSF states that the parties have been negotiating in good faith and that counsel for KJRY has authorized the request for extension to be filed jointly. The parties' request is reasonable and consistent with the Board's preference for private-sector negotiation and resolution of disputes. Therefore, the request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The deadline for submission of any disputed compensation or other crossing terms for Board resolution is extended until September 12, 2003.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary